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Examiner: Theresa T. Snider
Group Art Unit: 1744

Amendments to the Drawings

Please approve for entry the attached drawing Replacement Sheet that includes changes to Figure 7. The sheet is marked as “Replacement Sheet” and replaces the original sheet.

Attachment: Replacement Sheet.

REMARKS/ARGUMENTS

By the present amendment, the specification has been amended to correct a clerical mistake, Fig. 7 of the drawings has been amended to correct a numbering error, claims 13-18 have been cancelled, all remaining previously presented claims have been amended as suggested by the examiner and new claims 19-21 have been added. In addition, claims 1 and 11 has been amended to more adequately define the claimed subject matter of the invention.

In the specification, paragraph [0045] has been amended so that the number “70” is used consistently throughout when referring to the “carton”.

In the Office Action, the drawings stand objected to for inconsistency. Figure 7 has been amended to replace the number “60” with the number “70”. Applicants submit that the amendments to Figure 7 overcome the objection.

Applicants believe the amendments made herein add no new matter. Any amendments to the claims which have been made in this amendment to claims 1-10 and 12 are believed to unrelated to patentability of the invention as claimed. Reconsideration and reexamination of the application is respectfully requested in view of the amendments and the following remarks.

Claims 1-18 stand rejected under 35 USC 112, second paragraph, as being indefinite. The rejection is respectfully traversed. With the exception of the Examiner’s suggestion for amending claim 11, lines 2-3, claims 1-12 have been amended in accordance with the Examiner’s suggestions and are therefore believed to be in condition for allowance. Applicants respectfully decline to adopt the Examiner’s suggestion with respect to claim 11, lines 2-3 because Applicants believe that the claim preamble is appropriate as written and the examiner’s suggestion would introduce uncertainty into the claims as to the nature of the handle portion of the surface cleaner in the “providing step.” Applicants believe that no such providing step is required since the preamble recites that the process relates to packaging a surface cleaning apparatus with a base and a handle pivotally mounted to the base. The manipulative steps defined in the claims sets forth the formation of the parts of the handle, the interrelation of the handle parts and the pivotal mounting of the handle lower portion to the base. Applicants believe that the “providing” step is not a manipulative step and that the recitation of the nature of

the surface cleaner in the preamble is the appropriate location to describe the apparatus that is being manipulated according to the method of the invention. The Examiner is invited to call the undersigned attorney to further discuss this matter if there are any questions as to this issue.

Claims 13-18 have been canceled, and therefore the objection with respect to these claims is moot. Applicants acknowledge with appreciation the Examiner's determination of allowable subject matter in claim 1 and in any claim dependent thereon.

Claim 11 stand rejected under 35 USC 102(b) as being clearly anticipated by JP2000-166836. The rejection is respectfully traversed.

For JP2000-166836 to anticipate this claim, each and every limitation in the claim must be found in JP2000-166836. Since such is not the case, the anticipation rejection must fail.

JP2000-166836 discloses a vacuum cleaner having a handle formed in three sections 11, 12, and 13. The first section 11 is pivotally mounted to a base 5. In a use configuration, the second section 12 is joined to the first section 11 and the third section 13 is joined to the second section 12. A package 22 is also provided for the vacuum cleaner. When in the package 22, the three handle sections 11, 12, and 13 are separated from each other.

JP2000-166836 does not disclose forming a handle with separate upper and lower portions and further forming the lower portion with upper and lower sections that are pivotally mounted to each other, as required by claim 11. Therefore, Applicants submit that claim 11 is patentable over JP2000-166836. Claim 12 is also patentable based on its direct dependency on claim 11.

Claims 13 and 16-17 stand rejected under 35 USC 103(a) as being unpatentable over The Admitted State of Prior Art as set forth in the Preamble of the Jepson Claim in view of Greene et al. The rejection is respectfully traversed. Claims 13 and 16-17 have been canceled and therefore the rejection is moot.

Claims 13-18 stand rejected under 35 USC 103(a) as being unpatentable over Kasper et al. in view of Greene et al. This rejection is respectfully traversed. Claims 13-18 have been canceled and therefore the rejection is moot.

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In view of the foregoing remarks and amendments, it is submitted that all of the claims are in condition for allowance. Early notification of allowability is respectfully requested.

Respectfully submitted,

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